

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CLEMENT IGWE AGHA,

Plaintiff,

v.

NNENNA COMFORT AGHA,

Defendant.

CASE NO. C22-5181 BHS-SKV

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable S. Kate Vaughan, United States Magistrate Judge, Dkt. 7, and Plaintiff Clement Agha’s request for refund of filing fee, Dkt. 8.

The R&R concluded that the Court lacked federal jurisdiction over this case and recommends that the case be dismissed pursuant to Federal Rule of Civil Procedure 12(h)(3). Dkt. 7. Plaintiff does not object to the R&R but requests that the Court refund his filing fee. Dkt. 8. The Court is sympathetic to Plaintiff’s needs but is unable to grant his request. The Court notes that federal law allows for an indigent party to proceed *in forma pauperis* upon completion of a proper affidavit of indigency, permitting a litigant to commence a case without paying the filing fee. *See* 28 U.S.C. § 1915(a)(1). Plaintiff

1 did not file an application to proceed *in forma pauperis*, and the Court denies his request  
2 for a refund.

3 The Court having considered the R&R and the remaining record, and no  
4 objections having been filed, does hereby find and order as follows:

- 5 (1) The R&R is **ADOPTED**;
- 6 (2) This case is **DISMISSED without prejudice**;
- 7 (3) Plaintiff's request for a refund of the filing fee, Dkt. 8, is **DENIED**; and
- 8 (4) The Clerk shall enter JUDGMENT and close this case.

9 Dated this 18th day of April, 2022.

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12 BENJAMIN H. SETTLE  
13 United States District Judge  
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